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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

OCT - 5 2016

SEAN F. McAVOY, CLERK
DEPUTY
YAKIMA, WASHINGTON

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA)	NO: 1:15-CR-2023-LRS
)	
vs.)	
)	DIVERSION AGREEMENT
)	
GURDEV KOHLI)	

It is alleged by an Indictment returned by the Grand Jury on March 10, 2015, in Cause Number 1:15-CR-2023-LRS that GURDEV KOHLI committed the following offenses against the United States in the Eastern District of Washington:

Count 1: Distribution of a Controlled Substance (XLR11), in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C)

Counts 2-3: Money Laundering, in violation of Title 18, United States Code, Sections 1956(a)(1)(A)(i) and 2.

Upon accepting responsibility for your behavior and by your signature on this Agreement, it appearing, after an investigation of the offenses and your

1 background, that the interests of the United States and your own interest and the
2 interests of justice will be served by the following procedure, therefore:

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4 On the authority of the Attorney General of the United States, by Michael
5 C. Ormsby, United States Attorney for the Eastern District of Washington,
6 prosecution in this District for this offense shall be deferred for a period of 12
7 months from the date of the filing of this Agreement, provided you abide by the
8 following conditions and the requirements of the Pre-Trial Diversion program
9 set out below.
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12 Should you violate any conditions of this supervision, the United States
13 Attorney or his designee may revoke or modify any conditions of this Pre-Trial
14 Diversion program or change the period of supervision for an additional period
15 which shall in no case exceed 12 months from the original termination date of
16 the diversion agreement. The United States Attorney may release you from
17 supervision at any time. The United States Attorney may at any time within the
18 period of your supervision reinstate prosecution for this offense should you
19 violate the conditions of this supervision and will furnish you with notice
20 specifying the conditions of your program which you have violated. The
21 decisions of the U.S. Attorney are made at his sole discretion and are not subject
22 to challenge.
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1 If, upon successful completion of the program and your period of
2 supervision, a Pre-Trial Diversion report is received to the effect that you have
3 complied with all the rules, regulations and conditions above mentioned, the
4 pending indictment will be dismissed.
5

6 CONDITIONS OF PRE-TRIAL DIVERSION
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8 1. You shall not violate any law (federal, state and local). You shall
9 immediately contact your Pre-Trial Diversion supervisor if arrested and/or
10 questioned by any law enforcement officer for any reason including, but not
11 limited to, traffic infractions. A traffic infraction, other than driving under the
12 influence, will not be deemed to be a violation of this agreement.
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14 2. You shall be employed regularly at a lawful occupation or otherwise
15 comply with the terms of the special program described below. In the absence of
16 a special program, when out of work, you shall notify your diversion supervisor
17 at once. You shall consult him/her prior to job changes. In the event you are
18 self-employed, you shall permit your diversion supervisor and/or his /her
19 designee to review all books, accounts, receipts, and/or tax records kept or
20 maintained in connection with said self-employment.
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22 3. You shall continue to live in the judicial district in which you currently
23 reside. If you desire to move out of the district, you shall obtain permission from
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1 your diversion supervisor so that the appropriate transfer of program
2 responsibility can be made prior to your relocation.

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4 4. You shall report to your diversion supervisor as directed and keep
5 him/her informed of your whereabouts. Any failure to abide by the meeting or
6 reporting requirements established by your diversion supervisor will be deemed
7 to be an irrevocable violation of the instant Agreement.

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9 5. You shall obtain and maintain, if legally possible, a valid driver's
10 license and the appropriate vehicle insurance.

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12 6. You shall not possess a firearm.

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14 7. You agree to comply with drug and alcohol treatment as recommended
15 by your diversion supervisor.

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17 8. You shall not possess, control and/or consume any controlled
18 substance, which includes marijuana, ~~or items commonly used for the~~
19 ~~consumption of such substances (drug paraphernalia)~~, or be in any place where
20 such substances are located, controlled and/or consumed.

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22 9. You shall submit to random urinalysis upon the request or at the
23 direction of your diversion supervisor.

24
25 10. You shall strive to achieve the desired goals of the program.

1 I, GURDEV KOHLI, assert and certify that I am aware of the fact that the Sixth
2 Amendment to the Constitution of the United States provides that in all criminal
3 prosecutions the accused shall enjoy the right to a speedy and public trial. I also
4 am aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides
5 that the Court may dismiss an indictment, information, or complaint for
6 unnecessary delay in presenting a charge to the Grand Jury, filing an
7 information, or in bringing a defendant to trial. I hereby request that the United
8 States Attorney for the Eastern District of Washington defer any prosecution of
9 me for Count 1, Distribution of a Controlled Substance (XLR11), in violation of
10 Title 21, United States Code, Section 841(a)(1) and (b)(1)(C), and Counts 2-3,
11 Money Laundering, in violation of Title 18, United States Code, Sections
12 1956(a)(1)(A)(i) and 2, for a period of 12 months, and to induce him to defer
13 such prosecution I agree and consent that any delay from the date of this
14 Agreement to the date of the initiation of the prosecution, as provided for in the
15 terms expressed herein, shall be deemed to be a necessary delay at my request
16 and I waive any defense to such prosecution on the ground that such delay
17 operated to deny my rights under Rule 48(b) of the Federal Rules of Criminal
18 Procedure and the Sixth Amendment to the Constitution of the United States to a
19 speedy trial or to bar the prosecution by reason of the running of the statute of
20 limitations for the effective period of this Diversion Agreement.
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I hereby state that the above has been read by me and explained to me by my attorney. I understand the conditions of my Pre-Trial Diversion and agree that I will comply with them.

Approvals and Signatures



GURDEV KOHLI
Defendant

10-5-16
Date



RICHARD A. SMITH
Attorney for Defendant 15127

10-5-16
Date




BENJAMIN D. SEAL
Assistant United States Attorney

10.5.16
Date

PROBATION OFFICER

Date

APPROVED without passing judgment on the merits or wisdom of this diversion.



LONNY R. SUKO
United States District Court Judge

October 5, 2016
DATE